

IN THE DRAWINGS:

Please amend FIGS. 1 and 8-14 as indicated on the attached marked-up versions of the original FIGS. 1 and 8-14. The amendments are submitted herewith for the Examiner's approval. No new matter has been introduced.

REMARKS

The present application was filed on July 24, 2003 with claims 1 through 32. Claims 1 through 32 are presently pending in the above-identified patent application. Claims 8, 10, 17, 19, 23 and 31 are proposed to be amended and claim 20 is proposed to be cancelled herein, without prejudice.

In the Office Action, the Examiner objected to the drawings under 37 CFR §1.84(p)(5) for failing to include reference numbers mentioned in the specification. In addition, the Examiner objected to the drawings under 37 CFR §1.84(p)(5) for including reference numbers not mentioned in the specification. The Examiner rejected claims 8-9, 17-18, 23 and 31-32 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention.

Claims 1, 10 and 24 were rejected under 35 U.S.C. §102(a) as being anticipated by Helgeson (United States Patent No. 6,643,652). In addition, claims 2 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Helgeson in view of Chau et al. (United States Publication No. 2002/012393). Claims 3, 11 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Helgeson, in view of Jones (United States Publication No. 2004/010754) and further in view of O'Carroll (United States Patent No. 6,772,165). Claims 6, 15, 19 and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Helgeson, in view of Jones and further in view of O'Carroll, in further view of Bernstein et al. (United States Patent No. 6,826,568) and in further view of Mani et al. (United States Patent No. 6,654,734). Claims 8, 17, 23 and 31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Helgeson, in view of Jones, O'Carroll, Bernstein et al. and Mani et al., in further view of Fernandez (United States Patent No. 6,785,673). Claims 9, 18 and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Helgeson in view of W3C ("XSL Transformation (XSLT), Version 1.0).

Claims 4-5, 7, 12-14, 16, 20-22, 27-28 and 30 were indicated to be allowable if rewritten in independent form.

Drawings and Specification

The Examiner objected to the drawings under 37 CFR §1.84(p)(5) for failing to include reference numbers mentioned in the specification and for including reference numbers not mentioned in the specification. FIGS. 1 and 8-14 are proposed to be amended herein, as indicated on the attached marked-up versions of the original FIGS. 1 and 8-14. The amendments are submitted herewith for the Examiner's approval. In addition, the specification has been amended to address the Examiner's

concerns regarding FIG. 4, element 400.

The Examiner rejected claims 8-9, 17-18, 23 and 31-32 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. Claims 8, 17, 23 and 31 have been amended to provide proper antecedent basis for the term “said traverse view query.”

“Substantially Similar”

With regard to claims 9, 18 and 32, the Examiner has asserted that the terms “substantially” and “similar” are relative terms that render the claims indefinite. Applicants respectfully traverse the rejection for at least the following reasons.

First, Applicants points out that M.P.E.P. §2173.05(b) states:

When a term of degree is presented in a claim, first a determination is to be made as to whether the specification provides some standard for measuring that degree. If it does not, a determination is made as to whether one of ordinary skill in the art, in view of the prior art and the status of the art, would be nevertheless reasonably apprised of the scope of the invention. Even if the specification uses the same term of degree as in the claim, a rejection may be proper if the scope of the term is not understood when read in light of the specification. *While, as a general proposition, broadening modifiers are standard tools in claim drafting in order to avoid reliance on the doctrine of equivalents in infringement actions*, when the scope of the claim is unclear a rejection under 35 U.S.C. 112, second paragraph, is proper. See *In re Wiggins*, 488 F. 2d 538, 541, 179 USPQ 421, 423 (CCPA 1973).

When relative terms are used in claims wherein the improvement over the prior art rests entirely upon size or weight of an element in a combination of elements, the adequacy of the disclosure of a standard is of greater criticality.

Further, subsection (D) of M.P.E.P. §2173.05(b) goes on to state:

The term “substantially” is often used in conjunction with another term to describe a particular characteristic of the claimed invention. It is a broad term. *In re Nehrenberg*, 280 F.2d 161, 126 USPQ 383 (CCPA 1960). The court held that the limitation “to substantially increase the efficiency of the compound as a copper extractant” was definite in view of the general guidelines contained in the specification. *In re Mattison*, 509 F.2d 563, 184 USPQ 484 (CCPA 1975). The court held that the limitation “which produces substantially equal E and H plane illumination patterns” was definite because one of ordinary skill in the art would know what was meant by “substantially equal.” Andrew

Corp. v. Gabriel Electronics, 847 F.2d 819, 6 USPQ2d 2010 (Fed. Cir. 1988).

The standard of interpretation thus looks first toward the specification. Applicants respectfully direct the Examiner to the present specification at page 3, lines 12-15, for example, where it is noted that "when the modified view query is evaluated on a relational database instance, the *same* XML document is obtained as would be obtained by evaluating the XSLT stylesheet on the original XML view. See also, page 5, lines 18-20. The above passages are just some examples of parts of the specification that give definition to the phrase "substantially similar."

Thus, where (i) the broadening modifiers are employed to avoid reliance on the doctrine of equivalents in infringement actions, and (ii) the improvement over the prior art in no way rests upon the size or weight of an element in a combination of elements, the use of such broadening modifier should not be found to be indefinite. Cf. M.P.E.P. §2173.05(b)

The scope of claims 9, 18 and 32 would be interpreted by a person of ordinary skill in the art to cover situations where the obtained XML document is the *same as* a second XML document produced by applying said XSLT stylesheet on said XML document produced by said initial view query, *as well as any trivial differences* between the obtained XML document and the second XML document that are made to avoid literal infringement. Thus, the specification provides a clear and definite standard for measuring the degree intended to be covered by the phrase "substantially similar."

The above-cited M.P.E.P. section teaches that a determination is made as to whether one of ordinary skill in the art, in view of the prior art and the status of the art, would be nevertheless reasonably apprised of the scope of the invention. Applicants submit that, given the disclosure of the present specification, the prior art, and the status of the art, those ordinarily skilled in the relevant art would be reasonably apprised of the scope of the invention.

Independent Claims

Independent claims 1, 10 and 24 were rejected under 35 U.S.C. §102(a) as being anticipated by Helgeson. With regard to claim 1, for example, the Examiner asserts that Helgeson teaches a method for exporting at least a portion of a relational database to an XML document. Helgeson is directed to methods and apparatus for managing data exchange among systems in a network.

With regards to claims 1 and 24, the Examiner asserts that column 80, lines 51-55,

discloses an “initial view query” that defines an XML view on a relational database. The Examiner further asserts that columns 49 and 73-74 disclose “modifying the initial view query to account for an effect of said at least one transformation (specified in an XLST stylesheet).”

As discussed in the original Background section of the present application:

XML-publishing middleware technology is rapidly being implemented by relational database vendors to ensure that XML-centric applications are well supported. Such middleware *provides a declarative view query language* with which to specify the desired mapping between the relational tables and the resulting XML document. Based on the mapping defined by the view query, a portion of the database can be exported as XML.

Page 1, lines 27-31.

As clearly established by the above passage, the term “view query” was a well known term of art in the field of XML-publishing middleware at the time the present application was filed. A “view query” thus specifies a mapping between the relational tables and the resulting XML document. As further evidence of the fact that the term “view query” is a well accepted term of art, the Examiner is referred to, for example, FIG. 3 and corresponding text of Fernandez, which was cited by the Examiner in the present Office Action.

Column 80, lines 51-55, of Helgeson merely discloses that an XML document can be created from a database. While Helgeson may use the term “view” in the presentation sense, Helgeson does not use the term “view query,” nor does Helgeson address using view queries to map between relational tables and a resulting XML document.

In addition, since Helgeson is not addressing “view queries,” Helgeson does not disclose or suggest “modifying the initial view query to account for an effect of said at least one transformation (specified in an XLST stylesheet),” or “applying said modified view query to said relational database to obtain said XML document,” as further required by independent claims 1 and 24.

With regards to claim 10, the Examiner again asserts the Helgeson discloses an XML view on a relational database to produce the modified view query. *citing* col. 80, lines 51-55. As previously indicated, however, the term “view query” is a well known term of art in the field of XML-publishing middleware that specifies a mapping between the relational tables and the resulting XML document.

Claim 10 has been amended to clarify that the modified view query is generated against

a relational database to produce an XML document. No new matter has been introduced. Column 80, lines 51-55, of Helgeson merely discloses that an XML document can be created from a database. While Helgeson may use the term "view" in the presentation sense, Helgeson does not use the term "view query," nor does Helgeson address "an XML view on a relational database to produce said modified view query," as required by claim 10.

With regards to claim 19, claim 19 has been amended to include the limitations of claim 20, which the Examiner has indicated would be allowable if rewritten in independent form. Thus, Applicants submit that claim 19, as amended, should be allowable.

Applicants respectfully request the withdrawal of the rejection of independent claims 1, 10, 19 and 24.

Dependent Claims

Claims 2-9, 11-18, 20-23 and 25-32 are dependent on independent claims 1, 10, 19 and 24, respectively, and are therefore patentably distinguished over each of the cited references, alone or in combination, because of their dependency from independent claims 1, 10, 19 and 24, for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

Claims 4-5, 7, 12-14, 16, 20-22, 27-28 and 30 were indicated to be allowable if rewritten in independent form

All of the pending claims following entry of the amendments, i.e., claims 1-32, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully,



Kevin M. Mason
Attorney for Applicant(s)
Reg. No. 36,597
Ryan, Mason & Lewis, LLP
1300 Post Road, Suite 205
Fairfield, CT 06824
(203) 255-6560

Date: May 25, 2006